

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ROSE GREGORY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 4:23-cv-00096
	)	
QUIKTRIP CORPORATION d/b/a	)	
QUIKTRIP #670,	)	
	)	<b>JURY TRIAL DEMANDED</b>
Defendant.	)	
	)	

**NOTICE OF REMOVAL**

COMES NOW Defendant, QUIKTRIP CORPORATION d/b/a QUIKTRIP #670, by and through undersigned counsel, and hereby files this Notice of Removal of the above captioned action, originally filed in the Circuit Court of St. Louis County, Missouri, to the United States District Court for the Eastern District of Missouri, Eastern Division, pursuant to 28 U.S.C. § 1441, and in support thereof, respectfully states as follows:

1. On or about November 10, 2022, Plaintiff Rose Gregory filed a Petition for Damages in the Circuit Court of St. Louis County, Missouri against Defendant QUIKTRIP CORPORATION d/b/a QUIKTRIP #670 for damages arising from an alleged fall which occurred at a QuikTrip location on or about September 2, 2019, in St. Louis County, Missouri. (See Exhibit A, Plaintiff's Petition).

2. Plaintiff's lawsuit was assigned Cause No. 22SL-AC281160 in the Circuit Court of St. Louis County, Missouri. A copy of the complete court file in Cause No. 22SL-AC281160 is attached hereto as Exhibit B.

3. Plaintiff Rose Gregory is a resident of the State of Missouri. (Exhibit A, ¶1). Therefore, for purposes of removal based on diversity of citizenship, Plaintiff is a citizen of the State of Missouri.

4. Defendant QuikTrip is a foreign corporation organized under the laws of the State of Oklahoma, with its principal place of business in the State of Oklahoma. Therefore, for purposes of removal based on diversity of citizenship, Defendant is a citizen of the State of Oklahoma. 28 U.S.C. §1332(c)(1); *See also Hertz v. Friend*, 559 U.S. 77, 92-93 (2010) (corporation is a citizen of its state of incorporation and the state in which its principal place of business is located).

5. The amount in controversy in this action, exclusive of interest and costs, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00) as indicated by the nature of the damages sought in the Plaintiff's Petition. Specifically, Plaintiff alleges that she sustained severe, serious, painful, and permanent injuries to her back and neck because of her alleged fall. (Exhibit A, Plaintiff's Petition, ¶ 29).

6. Moreover, while Plaintiff has only made a demand for "equal dollar trade value for the damage caused," she claims injuries to her head and low-back with past medical bills and claims that she is "permanently damaged from this fall requiring months and months of treatment and invasive treatments to help manage the symptoms." (*See Exhibit C, Demand Letter*). Plaintiff's counsel has also produced claimed medical bills in excess of \$30,000, which when combined with the nature of the other past and future damages alleged in the Petition including "permanent and continuing injuries", satisfies the requirement that a jury could award damages in excess of \$75,000 at trial in this matter such that the amount in controversy requirement is established by a preponderance of the evidence. (Exhibit A, ¶29).

7. Plaintiff obtained service on Defendant QuikTrip on or about December 29, 2022. Therefore, this Notice of Removal has been timely filed within thirty (30) days of service pursuant to 28 U.S.C. § 1446.

8. Because complete diversity of citizenship exists between Plaintiff and Defendant QuikTrip and because the amount in controversy in this action exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), removal to this Court is proper pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1446.

9. Furthermore, venue is proper in the Eastern Division of this Court pursuant to Local Rule 2.07, as the cause of action purportedly arose from a fall in St. Louis County, Missouri which is within the jurisdiction of the Eastern Division of this Court. (Exhibit A, *Plaintiffs' Petition*).

10. Defendant QuikTrip has given written notice to Plaintiff of this Notice of Removal being filed and will also file a copy of this Notice of Removal with the Clerk of the Circuit Court of St. Louis County, State of Missouri, as required by Local Rule 2.03.

WHEREFORE, Defendant QUIKTRIP CORPORATION d/b/a QUIKTRIP #670 respectfully requests that the above-referenced state court action be removed from the Circuit Court of St. Louis County to this Court and that this Court accept jurisdiction of the case, and for any other relief this Court deems just and proper.

WATTERS WOLF BUB & HANSMANN, LLC

/s/ Jackie M. Kinder

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*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of January, 2023 the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system to the attorneys of record in this case.

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/s/ Jackie M. Kinder